

January 22, 1976

judge at any time and then the judge is given due process for a hearing and you are then permitted to come before the Commission and make your charges against that judge. Any citizen, it is that free and open for any reason that you feel is a proper reason for removal. If you think he is performing any kind of, say that, you could have alcoholism, you could have neglect of duty which you might be able to prove, incompetence in other ways, anything that you can prove. Of course, you would have to bring the proof just like you would anyone else but any citizen can do this.

SENATOR R. LEWIS: Thank you.

SENATOR SAVAGE: Senator Kelly.

SENATOR KELLY: Mr. President, members, I have a question of Senator Luedtke. A little bit further on how to remove, any citizen can contact the Commission on Qualifications, state their reason. There is a hearing in which they offer their proof. Now tell me about the deciding, whether that proof is proof or not?

SENATOR LUEDTKE: What do you mean by that?

SENATOR KELLY: What further action does the Commission take?

SENATOR LUEDTKE: The Commission can remove him.

SENATOR KELLY: In other words, when they bring the charge that they are alcoholic, what does the Commission do to determine whether that is true or not?

SENATOR LUEDTKE: They are just like any court. They have a master appointed, the hearing officer, or whatever you want to call it, who will completely and properly investigate the allegations made and will present evidence along with the evidence of the complainant, or assist the complainant, or show that the evidence has been discounted by other evidence. In other words, there is a complete investigation made, and then that report is made to the Commission. The Commission acts upon the facts presented. They have the discretion to make the decision. Now they may simply...they could do as little as send a letter and say we understand you have been coming in late every morning and, you know, would you please get back on the ball and start doing the job you are suppose to be doing. They could slap their fingers in other ways by reprimanding them publicly or not publicly, whichever way, or if it is serious enough, as some of the complaints could be, they could actually remove them.

SENATOR KELLY: At what point does this information or this hearing become public?

SENATOR LUEDTKE: At the time the report, as I recall and I would have to look it up, but I recall that it is at the time when the report is made by the master and the Qualifications Commission is actually rendering a decision.